

1. 5 SEP 2008



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SMITHKLINE BEECHAM CORPORATION
CORPORATE INTELLECTUAL PROPERTY-US, UW2220
P. O. BOX 1539
KING OF PRUSSIA PA 19406-0939

In re Application of	:	
CLIFFORD, Michael, et al.	:	
Application No.: 10/598,760	:	
PCT No.: PCT/EP2005/002701	:	
Int. Filing Date: 09 March 2005	:	DECISION
Priority Date: 11 March 2004	:	
Attorney's Docket No.: CB60772	:	ON REQUEST UNDER
For: PREBIOTIC USE OF FRUITS AND	:	
FRUIT JUICES IN THE PROMOTION :	:	37 CFR 1.497(d)
OF BENEFICIAL GUT MICROFLORA :	:	
BASED DEPTH MEASUREMENT :	:	
FOR MEDICAL APPLICATIONS :	:	

This decision is in response to applicant's renewed Request Under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 20 May 2008.

BACKGROUND

On 24 March 2008, the Office mailed Decision On Request Under 37 CFR 1.497(d), refusing applicants' request to correct the inventorship.

On 20 May 2008, applicant filed this renewed request.

DISCUSSION

Applicants file this request to add Andrea Rodig-Penman, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) were previously satisfied.

Item (3) has now been satisfied.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 27 September 2007.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459